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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,252	03/07/2002	Gang Wu	4035-0148P	9279
2292 7590 07/02/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER				
ROBERTS, BRIAN S				
ART UNIT		PAPER NUMBER		
2619				
NOTIFICATION DATE		DELIVERY MODE		
07/02/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/092,252

Applicant(s)

WU ET AL.

Examiner

BRIAN ROBERTS

Art Unit

2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

- Claims 1 and 2 remain pending

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-2 are rejected under 35 U.S.C. 102(a) as being anticipated by Xu et al "DRIVE-ing to the Internet: Dynamic Radio for IP Services in Vehicular Environments".

- In reference to claim 1

Xu et al. teaches a DRIVE network architecture that includes a global DRIVE core network (although not shown in a Figure, a plurality of regional Drive core networks as shown in Figure 6 are joined via the internet to create a global Drive core network) comprised of a plurality of regional DRIVE core networks (common core network) as shown in Figure 6 wherein each regional DRIVE core network (common core network) comprising:

- A mobility management (mobility manager) that has a function of tracing a location of a DRIVE mobile node (mobile host) to determine an radio access system (access network) effective at a position of the location and function of carrying out local handoffs within a regional DRIVE core network

- (common core network) and handoffs for external networks based on mobile IP (sections 3.1 and 3.2)
- A traffic control (resource manager) that coordinates traffic distribution and is responsible for resource allocation and admission control to support the traffic distribution in the regional DRIVE core network (common core network) (sections 3.1 and 3.2)
 - The global DRIVE core network supporting DRIVE mobile node (mobile host) roaming within a radio access system (homogeneous radio communication network) and between a plurality of different radio access systems (heterogeneous radio communication networks) based on Internet Protocol (network layer of OSI model) and enables Internet access via a DRIVE border gateway (gateway router) and access to a plurality of base stations inherently located in the radio access systems simultaneously by communicating with the traffic control (resource manager) residing in the corresponding one of the regional DRIVE core network (common core network) via a network selector of interfaces in the base stations (sections 3.1, 3.2, 3.3)
 - Each regional DRIVE core networks is connected via the Internet to access other regional DRIVE core networks that collectively comprise the global DRIVE core network (sections 3.1 and 3.2)
 - Wherein a corresponding node is within the Internet

- Wherein the DRIVE border gateway (gateway router), a traffic control (resource manager), and a mobility management (mobility manager) are within each regional DRIVE core network (common core network)
 - Wherein the RAN selector is within the mobile host (section 3.2.1) and a locator and a local resource manger are inherently within the DRIVE mobile host
- In reference to claim 2

In Figure 6, Xu et al. further teaches:

- A Micro mobility management function in the global DRIVE core network supporting handover for any DRIVE mobile node (mobile host) roaming between base stations belonging to a radio access system (homogeneous radio communication networks) (sections 3.1 and 3.2)
- A Macro mobility management function utilizing Mobile IPv6, supporting between a plurality of regional DRIVE core networks (common core network), handover for any DRIVE mobile node (mobile host) roaming between base stations belonging to a radio access system (homogeneous radio communication networks) (sections 3.1 and 3.2)

Response to Arguments

Applicant's arguments filed 04/07/2008 have been fully considered but they are not persuasive.

- In the Remarks on pg. 6 of the amendment, the Applicant contends that Xu et al. fails to teach "the global common core network *supporting mobile hosts roaming within a homogeneous radio communication network and between a plurality of heterogeneous radio communication networks* based on a link layer or network layer of OSI model and enables Internet access via a gateway router and access to a plurality of base stations simultaneously by communicating with the resource manager residing in the corresponding one of the regional common core networks via a network selector of interfaces in the basestations".
- The Examiner respectfully disagrees. As shown in Figure 6 and described in section III.2 *Functionality and Architecture*, the global common core network supports a plurality of different access systems such as UMTS, GPRS, CDMA2000, DVB, DAV and WLAN. The mobile node can roam and perform communications over a single access system or over multiple access systems based on the network layer protocol of the DRIVE core network which is Mobile IPv6.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN ROBERTS whose telephone number is (571)272-3095. The examiner can normally be reached on M-F 10:00-7:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on (571) 272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2619

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gregory B Sefcheck/
Examiner, Art Unit 2619
6-26-2008

BSR
06/25/2008